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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Christian Solidarity Worldwide, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Discrimination on the basis of religion or belief in education

1. CSW welcomes the continued efforts of the UN Special Rapporteur on the right to education, and the Council's support for this mandate. However, CSW remains concerned by cases of discrimination on the basis of religion or belief (FoRB) in educational settings, and wishes to bring this to the Council's attention, in particular highlighting concerns in Nigeria, Pakistan and China.

2. FoRB violations in educational settings take multiple forms, including psychological and physical abuse and the inclusion of biased content in school textbooks. As well as breaching the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the Convention on the Rights of the Child, FoRB violations in an educational setting infringe on the right of a child to an education without discrimination. Article 2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) also reiterates the principle of non-discrimination, while Article 14 articulates the right to education more fully.

3. Regional instruments also recognise the right to FoRB, education and the principle of non-discrimination, including the American Convention on Human Rights, the Arab Charter on Human Rights (Revised) and the African Charter on Human and Peoples Rights (ACHPR), as does the African Charter on the Rights and Welfare of the Child (ACRWC).

Nigeria: The right to an education without discrimination on the basis of FoRB

4. While the Nigerian constitution protects the right to FoRB, 11 of Nigeria's 36 states have contravened its provisions (namely Article 10) by effectively creating a state religion through instituting the shari'a penal code or enacting 'full shari'a' law.

5. In several shari'a states, students from religious minority communities face discrimination, abuse and sometimes even expulsion. Reported violations include being denied access to specific courses, the non-release of final results, being compelled to study a religion other than their own and denial of admission or scholarships.

6. In Borno State, Christians reported that Kanuri Muslims receive preferential treatment in admissions to higher education, and public schools in many northern states do not hire Christian Religious Knowledge (CRK) teachers. There is a lack of state government funding for schools in predominantly non-Muslim areas and informal schools created with the assistance of NGOs experience difficulty receiving official registration. Similarly, Muslims in Plateau State insist they are marginalised while predominantly Christian ethnic groups receive preferential treatment.

7. The education of Christian schoolgirls in Nigeria is often truncated by abduction, forcible conversion and forced underage marriage without parental consent. On 16 August 2016 14-year-old Habiba Isiyaku was abducted from Wawar Kaza village in Kankara LGA, Katsina State on her way home from school, forcibly converted and obliged to "marry" her abductor, Jamilu Lawal, with the alleged endorsement of the Emir of Katsina. A law suit was filed by her parents with the assistance of NGOs. At a court hearing in January 2017, a paper was presented, ostensibly from Habiba, in which she claimed to be 18 years old. The case continues.

8. Displacement as a result of violent attacks by Boko Haram in the north east, and by Fulani herder militiamen in central states has disrupted the education of many thousands of children. According to the governor of

Benue state, over 180,000 people are currently living in IDP camps as a result of herder militia violence, while over 500,000 displaced people are living with relatives or in uncompleted buildings, and 80,000 children are in IDP camps without access to education.1

Pakistan: The right to an education without discrimination on the basis of FoRB

9. The right to education and to FoRB are protected by Pakistan's 1973 constitution in Articles 25A and 36. Article 22 specifically addresses the right to FoRB in an educational setting. Moreover, in 2012 Pakistan accepted a UPR recommendation to 'review public school curricula in order to eliminate prejudice against religious and other minorities'.2

10. However, CSW remains concerned by the negative presentation of religious minorities in textbooks and the distortion or omission of factual information in the curricula. Christian, Hindu and Sikh students identified errors about their beliefs, and a 17-year old Sikh student, Gurinder Singh3, said that stories about their first and last prophets were changed in Pakistan Studies.

11. During the 1980s former president General Zia-ul-Haq initiated a process of Islamisation which reshaped the syllabus, reorganising the entire content around Islamic thought and giving education an ideological orientation so that Islamic ideology permeates the thinking of the younger generation.4 Despite recent attempts at reform, General Zia's policies continue to affect society, with religious minorities reporting severe FoRB violations in educational settings.

12. Non-Muslim students and Ahmadis reported that some school teachers tried to convince them that their faith is illogical and contrary to Islam as the divine faith. Religious minority students said they often received lower marks than Muslim classmates, or were told if they converted to Islam they would receive better grades and support from teachers. Some were refused scholarships or entry onto higher courses. Maqsood5, a 17-year-old Christian, was told by his teacher when he was in Class 8 that he would receive good grades if he converted. When he refused she beat him twice a week and lowered his grades.

13. Minority faith students routinely suffer severe physical and psychological ill-treatment including being segregated, bullied, teased and beaten by teachers and other students, with many forced to abandon their studies. A 10-year-old Ahmadi student and his sister told CSW that their teacher would regularly beat their hands until they became swollen.

China: children, education and violations of the right to freedom of religion or belief

14. CSW is concerned by reports in recent months of incidents relating to a child's right to FoRB and education in China, an intersection which appears to be a new focus of the government's control and management of religious activities.

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1 The Daily Post, 'Full text of Governor Ortoms speech during mass burial in Benue', 5 May 2018, http://dailypost.ng/2018/05/22/full-text-governor-ortoms-speech-burial-mass-benue/

2 United Nations General Assembly, Human Rights Council, Report of the Working Group of the Universal Periodic Review: Pakistan, 26 December 2012 www.upr-info.org/sites/default/files/document/pakistan/session_14_-_october_2012/ahrc2212pakistane.pdf

3 Name changed to protect identity

4 Saigol, R. (1994) 'The Boundaries of Consciousness: Interface between the Curriculum, Gender and Nationalism', in Khan, N., Saigol, R. & Zia, Afiya S. (eds.), Locating the Self: Reflections on Women and Multiple Identities

5 Name changed to protect identity

15. Some local authorities have prohibited children under 18 from attending religious activities at places of worship including mosques and churches. In Henan Province both Catholic and Protestant churches have been warned not to allow under 18s to enter churches and participate in services. Officials have also posted notices outside churches with this instruction. In Xinjiang Uighur Autonomous Region, minors are prohibited from entering mosques and engaging in "unofficial" Quranic studies.

16. In parts of China, authorities have used educational institutions to monitor citizens' religious beliefs and to limit some forms of religious activity. In Henan schools have told students or their parents to report their religious beliefs to the school authorities. In other areas, authorities have also instructed elementary and middle school teachers to tell their students not to fast during Ramadan.

17. As part of a wider crackdown on religious observance and practice in Henan Province, authorities have told residents that "believing in religions" is prohibited and that if they opposed the policy, their children will not be allowed to attend school.

18. In Xinjiang, authorities have closed down "unofficial" schools for the study of the Quran. According to Radio Free Asia, In March 2018, four students, including at least one minor, were charged with "endangering state security" for studying the Quran at an unofficial school in Hotan.6 Under 18s have also reportedly been detained with their families in re-education camps in Xinjiang. Up to 1 million Uyghurs, Kazakhs, and members of other ethnic groups are believed to have been detained in these camps, sometimes in connection with their peaceful religious activities.

19. Christian-run kindergartens in Fujian, Henan and Beijing have been forced to close. Local Christians believe the closures deliberately target Christian-run facilities and those connected to churches.

Recommendations to the International Community

20. Ensure full ratification and implementation of relevant international treaties embedding the right to education and FoRB, and urge governments to withdraw reservations to articles in international human rights instruments guaranteeing non-discrimination, the right to education and the right to FoRB.

21. To proactively address intolerance and discrimination based on FoRB in educational settings, and to guarantee respect for any existing constitutional or national provisions relating to these rights.

22. Eliminate false narratives and prejudices from educational materials, and ensure training in human rights is part of school curricula for teachers and students.

23. Ensure that children are not barred from accessing education because on their religion or belief, or that of their parents.

24. Urgently address the abduction, forced conversion and forcible marriage without consent of underage girls, taking firm action against individuals, officials and organisations implicated in such activities, and ensuring the return of abducted minors to their parents or legal guardians in accordance with Article 15(5) of the CRC.

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6 Radio Free Asia, "Chinese authorities demolish home of Uyghur supporting Quranic studies", 1 April 2015 https://www.rfa.org/english/news/uyghur/demolition-04012015151727.html